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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,186	01/31/2001	Rabindranath Dutta	AUS920000819US1	4497

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07/13/2005

International Business Machines Corporation
Intellectual Property Law Department
Internal Zip 4054
11400 Burnet Road
Austin, TX 78758

EXAMINER

WOZNIAK, JAMES S

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,186

Applicant(s)

DUTTA ET AL.

Examiner

James S. Wozniak

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the office action from 2/3/2005, the applicant has submitted an amendment, filed 5/2/2005, amending Claims 1 and 4, while adding claim 9, canceling claims 6-8, and arguing to traverse the art rejection based on the limitation regarding the translation of given changes within a document (*Amendment, Page 10*). The applicant's arguments have been fully considered but are moot with respect to the new grounds of rejection, which was necessitated by the claim amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shemtov ("Text Alignment in a Tool for Translating Revised Documents," 1995) in view of Boucher et al (*U.S. Patent: 5,884,246*).

With respect to **Claims 1 and 4**, Shemtov discloses:

Determining an initial level of the native language version of the document (*identifying a level of a source language document, Page 449, Section 1*).

Second, translating given changes to the initial level into the at least one National Language version using a lower quality translation and taking a second amount of average translation time per word less than the first amount of average translation time per word (*determining differences between source language document versions and constructing a bilingual draft using a translation tool, Page 449, Section 1; Page 452*).

Indicating, using an indication for each of the given changes within in the at least one National Language version of the document at least one of: that the indicated text is not to be regarded as the final translated text, and a further translation of the lower quality translation will be made available at a later time (*translation tool for marking a bilingual draft and inserting translated text for future review and translation decisions by a human translator, Page 452, Section 5*).

Delivering the document with the given changes in the native language and in the at least one National Language having the indication (*translation tool result of a bilingual draft provided to a human translator, Page 452, Section 5*).

Wherein the delivered document in the National Language has a combination of first translated unchanged text from the initial level and second translated changed text having an indicator for the changed text (*Page 452, Section 5*).

Although Shemtov discloses a translation method similar to the claimed invention, Shemtov does not specify how a first translation is performed, however Boucher teaches the use

of machine assisted translation or human translation for performing a natural language translation (*Col. 12, Lines 31-39*).

Shemtov and Boucher are analogous art because they are from a similar field of endeavor in natural language translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Shemtov with the use of human or machine-assisted translation as taught by Boucher to ensure a more accurate initial translation since a human translator can compensate machine translation through review and provide a more reliable translation (*Boucher, Col. 12, Lines 31-39*), which would improve the accuracy of further translations for the tool taught by Shemtov since the tool uses prior translations to generate a bilingual draft (*Shemtov, Page 452, Section 5*).

With respect to **Claim 2**, Boucher teaches human translation, while Shemtov teaches an automatic translation tool for generating a bilingual draft as applied to Claim 1.

With respect to **Claim 3**, Boucher teaches machine-assisted translation, while Shemtov teaches an automatic translation tool for generating a bilingual draft as applied to Claim 1.

With respect to **Claim 5**, Shemtov discloses a translator review of a bilingual draft (Page 452, Section 5). Also, it would be inherent that the completed translation would eventually be distributed to customers, since Shemtov notes the goal of providing a user with a translation of a revised or modified version of an original document (*Pages 449, Sections 1-2*).

With respect to **Claim 9**, Shemtov discloses:

Determining an initial level of the native language version of the document (*identifying a level of a source language document, Page 449, Section 1*).

Second translating given changes to the initial level within the at least one National Language document using a second translation means for each of the given changes (*determining differences between source language document versions and translating text into a bilingual draft using a translation tool, Page 449, Section 1; Page 452*).

Indicating each of the translated given changes, which utilized the second translation means, with an indicator (*translation tool for marking a bilingual draft for future review and translation decisions by a human translator, Page 452, Section 5*).

Wherein the delivered document in the National Language has a combination of first translated unchanged text from the initial level and second translated changed text having an indicator for the changed text (*Page 452, Section 5*).

Although Shemtov discloses a translation method similar to the claimed invention, Shemtov does not specify how a first translation is performed, however Boucher teaches the use of machine assisted translation or human translation for performing a natural language translation (*Col. 12, Lines 31-39*).

Shemtov and Boucher are analogous art because they are from a similar field of endeavor in natural language translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Shemtov with the use of human or machine-assisted translation as taught by Boucher to ensure a more accurate initial translation since a human translator can compensate machine translation through review and provide a more reliable translation (*Boucher, Col. 12, Lines 31-39*), which would improve the accuracy of further translations for the tool taught by Shemtov since the tool uses prior translations to generate a bilingual draft (*Shemtov, Page 452, Section 5*).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Matheny et al (*U.S. Patent: 5,315,703*)- teaches the updating of markers when text changes in a document.

King et al (*U.S. Patent: 6,278,969*)- teaches the use of a translation quality indicator.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632

Application/Control Number: 09/773,186
Art Unit: 2655

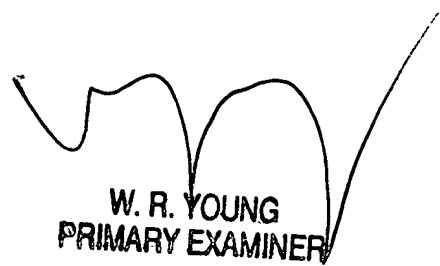
Page 7

and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached at (571) 272-7582. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak
6/16/2005



W. R. YOUNG
PRIMARY EXAMINER